

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Christopher M. Gratz, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial
ZB (TXT) 7-3-03, Portable Storage Units

AFFECTED DISTRICT: Town wide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB (TXT) 7-3-03 PORTABLE STORAGE UNITS TO AMEND CHAPTER 12 OF LAND DEVELOPMENT CODE BY ADDING REGULATIONS TO ADDRESS THE USE OF PORTABLE STORAGE UNITS, AMENDING SECTION 12-33(A) ENTITLED "ACCESSORY USES AND STRUCTURES", AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: Planning and Zoning Division staff, at the request of the Town Administrator and Code Review Team, has prepared an ordinance to regulate the use of portable storage units. Currently, the Land Development Code does not contain provisions that adequately address their use. To prepare the ordinance, staff reviewed the recently adopted ordinances of Coral Springs, Lighthouse Point, Hollywood, and Oakland Park. The following is a summary of the basic elements of the proposed ordinance:

Size: The maximum size of eight (8) feet wide, sixteen (16) feet long and eight (8) feet high is the largest commercially available portable storage unit. Containers larger than this are meant for freight shipping and are not appropriate for placement in residential areas.

Duration: The proposed ordinance will allow a portable storage unit to be placed on a site for thirty (30) days in any calendar year, with an allowance for one (1) thirty (30) day extension, provided that the applicant has secured and maintained a building permit.

Hurricane Warning or other Emergency: The proposed ordinance requires that portable storage units be removed from a site immediately in the event of a hurricane warning or other emergency to ensure the public's health, safety, and welfare.

Occupational License: The proposed ordinance requires portable storage unit companies to obtain a Town of Davie occupational license to help ensure that these businesses are operating in accordance with the Town's regulations. It also gives the Town the authority to execute the removal a portable storage unit should the device be misused or should a company fail to remove the portable storage unit in a timely fashion.

PREVIOUS ACTIONS: At the August 20, 2003, Town Council meeting, the item was tabled to September 3, 2003, to allow an advertisement in accordance with State Statutes to be placed in the newspaper.

CONCURRENCES: At the August 13, 2003, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Ms. Turin, to approve (Motion carried 4-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB (TXT) 7-3-03 PORTABLE STORAGE UNITS TO AMEND CHAPTER 12 OF LAND DEVELOPMENT CODE BY ADDING REGULATIONS TO ADDRESS THE USE OF PORTABLE STORAGE UNITS, AMENDING SECTION 12-33(A) ENTITLED "ACCESSORY USES AND STRUCTURES", AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE..

WHEREAS, the Town desires to amend the land development code to provide regulations for the use of portable storage units;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That Chapter 12 of the Code of Ordinances of the Town of Davie is hereby amended as follows:

12-33(A) Accessory Uses and Structures:

(1) In residential districts ~~all~~ accessory buildings and uses shall not be located in any required yard other than a rear yard; except for portable storage units.

(3) In nonresidential districts all accessory uses and structures, ~~excepting~~ landscape features, shall be located on the half or quarter of the plot which is farthest from any street or streets upon which the plot abuts.

(11) Residential Portable Storage Units for on-site storage.

(a) There shall be no more than one (1) portable storage unit per site no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high. No portable storage unit shall remain on a site in excess of thirty (30) consecutive days, and shall not be placed on a site in excess of thirty (30) days in any calendar year. An application for one (1) thirty (30) day extension may be granted if a building permit for work being done on the site has been secured and maintained. It shall be unlawful for any person to place, or permit the placement of any portable storage unit(s) on a site in which they own, rent, occupy, or control without first having obtained a building permit. Portable storage units shall generally be placed only in a driveway unless the rear of the site is readily accessible. If the Development Services Director, or designee, determines that there is no driveway available for placement of a portable storage unit and the rear of the

site is not readily accessible, then the portable storage unit may be placed in a front yard as long as the location does not obstruct the free, convenient, and normal use of any easement dedicated for use by the public. The issuance of a permit shall allow the applicant to place a portable storage unit on a property in conformance with the requirements of this chapter. The permit shall be posted in plain view at the site. Placement of a portable storage unit on any non-residential site shall be through the Temporary Use Permit Procedure of Article XI, Division 6.

(b) Prior to commencing business in the Town, the portable storage company must obtain a Town of Davie Occupational License. Additionally, the portable storage company must provide a cash bond or letter of credit to ensure the timely removal of the portable storage units and compliance with this chapter.

(c) Notwithstanding the time limitations set forth herein, all portable storage units shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency. If the Development Services Director, or designee, determines that an emergency, other than a hurricane warning by a recognized government agency, provides sufficient cause to exceed or reduce the time limitations which would otherwise apply, the Development Services Director, or designee, may allow a portable storage unit to remain at a site for period in excess of such time limitations, or may also order immediate removal of the portable storage unit.

(d) Maintenance and prohibition of hazardous materials. The owner and operator of any site on which a portable storage unit is placed shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discolorations, rust, ripping, tearing, or other holes or breaks. When not in use, the portable storage unit shall be kept locked. The owner and operator of any site on which a portable storage unit is placed shall also be responsible that no hazardous substances shall be stored or kept within the portable storage unit.

Section 12-503., is amended as follows: Definitions.

Portable Storage Unit: Any container designed for the storage of personal property which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003.